

**YADKIN COUNTY BOARD OF COMMISSIONERS  
REGULAR MINUTES  
January 21, 2008**

The Yadkin County Board of Commissioners met in Regular Session on Monday, January 21, 2008 at 7:00pm, in the Yadkin County Human Services Building (Commissioners' Meeting Room), 217 East Willow Street, Yadkinville, NC.

**Present were:**

Chair Kim Clark Phillips  
Vice Chair Joel Cornelius  
Commissioner Tommy Garner  
Commissioner Chad Wagoner  
Commissioner Brady Wooten

**Staff present:** County Manager, Eric Williams; County Attorney, James Graham; and Clerk to the Board, Gina Brown.

**CALL TO ORDER** by Chair Phillips at 7:01pm

**INVOCATION** by James Graham

**PLEDGE OF ALLEGIANCE** led by Chair Phillips

**ADJUSTMENTS TO/ADOPTION OF THE AGENDA**

County Manager Williams announced that he had an issue concerning traffic near Rag Apple Lassie to discuss under Manager Comments. County Manager Williams also stated that there was an additional item to discuss under Calendar Notes. Clerk Brown reported that a revised letter to the USDA Natural Resources Conservation Service had been placed at each member's seat along with a letter from the Yadkin Valley Sewer Authority, neither of which had been included in the original agenda packet.

**Vice Chair Cornelius made a motion to approve the agenda with noted adjustments. Commissioner Wooten second.**

**Vote: 5/0**

**PUBLIC COMMENTS**

Jimmy Steelman of the Hamptonville community appeared before the Board to speak against the construction of a new jail. Mr. Steelman remarked that with the poor housing market, stagnate wages, and an uncertain stock market, Yadkin County could not afford the debt that it will shortly incur. Mr. Steelman indicated that Yadkin County will accumulate \$88.7 million in debt to include current operating budget, waterlines, Jonesville water plant, new middle schools, turn lanes for the schools, the 5D Reservoir, and the proposed jail. Mr. Steelman offered that the Board should consider renovating the existing jail and asked the Board to address their priorities during the Commissioner Comments section of today's meeting.

There were no other speakers for public comment at today's meeting. The Public Comment portion closed at 7:09pm.

### **APPROVAL OF MINUTES**

Vice Chair Cornelius noted the spelling of Jerome Kay on page 2.

Commissioner Wagoner noted that all monetary values of less than a full percent should be preceded by a 0; such as, page 6 – bottom paragraph should read 0.4%

Chair Phillips noted the following adjustment for page 5, 1<sup>st</sup> paragraph:  
Add "in order to begin site preparation for the new middle schools" to the motion.

**Vice Chair Cornelius made a motion to approve the January 7, 2008 Regular Session Minutes and the January 7, 2008 Closed Session Minutes with noted adjustments. Commissioner Wooten second.**

**Vote: 5/0**

### **PUBLIC HEARING**

There were no public hearings or action to set public hearings at today's meeting.

### **BOARD REPORTS/REQUESTS**

Mary Sue Johnson, representing the East Bend Public Library Building Committee (EBPLBC), appeared before the Board to discuss present and future funding for a new East Bend Public Library building. Mrs. Johnson stated that she was born and raised in Yadkin County and that even though she had traveled the world, Yadkin County was still her favorite place. The current library of 1,700 square feet is completely inadequate. There are maintenance issues, leaking roof, underground gas tanks, inadequate parking, and no remaining shelving space for inventory. The projected cost of the project is \$850,000 not including furnishings. The EBPLBC has received 4 grants since April 2007. The EBPLBC sponsored a mud bog recently in East Bend and cleared \$10,000. A property owner in East Bend has donated a prime piece of property on Flint Hill Road for the proposed library. The EBPLBC had received numerous other pledges and donations for a total of \$164,000. The Town of Lewisville recently completed a new library with \$3 million in funding from Forsyth County. Mrs. Johnson added that grant applications often ask about financial assistance received from the local government. Mrs. Johnson stated that, unfortunately, she was not able to say that any funding had yet to be received for library construction from the local government. Mrs. Johnson asked the Board for their financial consideration for the upcoming 2008/2009 budget.

IT Director, Chris Shugart, provided the following updates on current IT projects:

- (1) Broadcasting: Director Shugart has researched several options. Director Shugart plans to visit the Town of Knightdale to observe its broadcasting equipment.
- (2) Voice-Over IP: Director Shugart awaits one additional quote on phone systems prior to selection.
- (3) IT and HR personnel will meet on the following day with a representative from a time management firm for time keeping options.

Further updates will be provided as they are available.

IT Director, Chris Shugart presented a budget amendment to allow for the maintenance and upkeep of a recently purchased vehicle for the IT Department. No new money is involved.

**Commissioner Garner made a motion to approve the Budget Amendment for the IT Department. Commissioner Wagoner second.**  
**Vote: 4/1 (Cornelius against)**

Soil and Water Director, Jason Walker; USDA NRCS Representative, BJ Cook; and Soil and Water Board Chairman, Lenuel Chamberlain appeared before the Board for discussion of the Deep Creek Reservoir (5D) Project.

**Vice Chair Cornelius made a motion to enter a Closed Session to discuss property acquisition with Attorneys Graham and Harding. Commissioner Garner second.**  
**Vote: 5/0**

**Commissioner Wooten made a motion to end Closed Session. Vice Chair Cornelius second.**  
**Vote: 5/0**

NRCS Representative, BJ Cook provided a summary of the Deep Creek Reservoir (5D) Project. Mr. Cook reported that 17 dams were designed with 14 actually built. The last 3 were combined. This flood control project will provide water resources, flood control, and recreation. Area officials have been requesting the final funding of this project for a long while.

Chair Phillips added that this project is a combined effort of local, state, and federal authorities. The state has invested \$1.8 million with an additional \$1.8 million in county funds for the design phase. If the county does not follow through with the project, the remainder of the earmark is lost and the county will be responsible for repaying the \$1.8 million expended thus far. Chair Phillips remarked that the Deep Creek Reservoir (5D) Project is a wonderful opportunity for Yadkin County.

Randy Darden of Arcadis has been named the County Liaison/Contracting Representative with Jason Walker as an alternate. Schnabel Engineering will begin the design updates. Mr. Darden was asked to review the timeline as the project stands. Mr. Darden reported that the Project Agreement must be signed by September 1, 2008 to completely secure the funds. This makes the time-consuming permitting process critical. Some permits taking up to 6 months for approval. Some discussion followed regarding Yadkin County's ability and desire to go through with the project. Commissioner Garner noted that Yadkin must use this \$4.9 million earmark or lose it. In addition, all funds expended thus far would have to be repaid. Commissioner Garner felt that the County did not have a choice. Attorney Ben Harding added that this is a one-time opportunity that will never be offered again. BJ Cook agreed with Attorney Harding's assessment.

**Commissioner Wooten made a motion to approve the following permitting fees associated with the Deep Creek Reservoir (5D) Project:**

**\$ 1,500 to start the process with FEMA**

**34,800 Soil Sedimentation Permit**

**6,800 Updated Construction Permits**

**5,000 Updated Specs.**

**3,300 Project Management**

**\$49,900**

**Commissioner Wagoner second.**

**Vote: 5/0**

**Vice Chair Cornelius made a motion to approve Randy Darden as the Liaison/Contracting Representative on the Deep Creek Reservoir (5D) Project with Jason Walker as an alternate. Commissioner Wooten second.**

**Vote: 5/0**

Some discussion followed regarding portion of the \$4.9 million earmark for USDA administrative costs. It was assumed that approximately \$900,000 would be withheld by USDA. Commissioner Wooten questioned this amount and this practice of withholding. In addition, Commissioner Wooten requested an agreement from the State on the portion of the funding that they have verbally committed. County Manager Williams remarked that this is a typical practice with earmarked funds that are funneled through a federal or state agency. All parties agreed that this should be discussed with federal and state representatives at the next meeting.

Attorney Graham noted the recent passing of Ned Hood. Mr. Hood was the first person responsible for soil and water conservation in Yadkin County. He passed away at age 97.

*Chair Phillips called for a recess at 8:20pm. Meeting resumed at 8:36pm.*

## **COMMITTEE REPORTS**

### *HR Committee:*

The Board was presented an information packet on the proposed Transitional Duty Program. Manager Williams explained that this program provides a process for employees who have been out on Workers' Compensation to return to work status sooner. Vice Chair Cornelius added that the policy was produced by the Workers' Comp. Representative and is fairly standard. Chair Phillips questioned the need for a committee to assess every injury and felt that committee evaluations should be reserved for worse-case scenario situations. Chair Phillips suggested adding a line "at the discretion of..." so as not to obligate the committee for minor situations. Chair Phillips also remarked on the supervisor's responsibility to maintain contact with the employee. Chair Phillips felt that the employee should have some responsibility for communicating with the Supervisor. Vice Chair Cornelius, as a representative of the HR Committee, acknowledged Chair Phillips remarks but added that this policy applies only to those employees who have been injured on the job and are returning from a workers compensation claim.

**Vice Chair Cornelius made a motion to approve the Transitional Duty Program. A second was not required as the motion was offered by the HR Committee.  
Vote: 5/0**

Commissioner Wooten stated that he would like for every county employee to have a copy of Transitional Duty Program packet.

Parks and Recreation Director, Joe Boyette, appeared before the Board with a request for funding. Director Boyette had received a letter from Environmental Health Director, Mary Joyner, stating that the restrooms and concession stand at the Park would not be permitted for another season. Director Boyette reported that there is \$50,000 that could be used as matching funds for a PARTF grant due in January 2009 for award in September 2009 but the needs cannot be postponed for 18+ months. Director Boyette explained that over 800 Yadkin County children participate every weekend in soccer at the Yadkin County Park and that restrooms and concessions are vital to the program. In addition, the Park offers walking trails, Frisbee golf, baseball fields, picnic area, fishing, and playgrounds. Director Boyette added that he had never requested any funds other than operating costs and that he and his staff go above and beyond to maximize the materials and supplies that they have.

Lastly, Director Boyette remarked that he will act as the contractor and will sub-contract the work in an effort to save money. He discussed this with Inspector, Gary Hayes, and this was an acceptable arrangement. Plans have been approved by the permitting department and a building crew has been selected. Director Boyette estimated that \$25,000 to \$30,000 would complete the project.

Chair Phillips remarked that the Park bathrooms are nasty and in desperate need of repair or replacement. However, Chair Phillips voiced her frustration at the decision not to apply for the PARTF grant for this year and bathrooms have now become an issue in a non-budget time of year. Chair Phillips asked Director Boyette if he had considered any other options such as port-a-johns and mobile concession units on a temporary basis until the next budget season. Director Boyette remarked that some port-a-johns are already in use at the park but the issue would still be handicap accessibility. Mobile concession stands would only allow prepackaged foods. Commissioner Wooten added that the eCivis program may be an excellent resource for identifying available grants for Park improvements.

Vice Chair Cornelius stated that earlier in the evening, the Board appropriated \$1400 for maintenance and service of a vehicle for the IT Department that had not been in the original budget. Funds were appropriated to accommodate a small group. Vice Chair Cornelius added that he was not pleased to spend this kind of money out of the budget season, but if \$1400 could be spent for the benefit of few, surely Yadkin County could spend \$25,000 for the benefit of a thousand Yadkin County children.

**Vice Chair Cornelius made a motion to approve \$25,000 for the Parks and Recreation Department for the sole purpose of constructing a new restroom and concession stand facility at the County Park with Manager Williams to bring forth a budget amendment at a subsequent meeting. Commissioner Garner second.**

**Vote: 5/0**

Parks and Recreation Director Boyette provided his recommendations for the recently re-established Parks and Recreation Advisory Committee.

**Vice Chair Cornelius made a motion to approve the recommendations of Donnie Livengood, Kent Doub, Lora Evans, Tim Parks, Michael Vanhoy, and Phil Martin to the Yadkin County Parks and Recreation Advisory Committee. Commissioner Garner second.** The Board agreed to have the committee establish their own terms of service and presiding officers.

**Vote: 5/0**

#### *Solid Waste Committee:*

On behalf of the Solid Waste Committee, Commissioner Wooten reported that the committee had reviewed the possibility of establishing a convenience site in the eastern part of the County as suggested by Vice Chair Cornelius. The committee is also researching prices for additional equipment needed at the transfer station and possibly at the sites. These costs will effect the establishment of additional sites and therefore any further action on this matter was delayed by the Solid Waste Committee. SW Director, Cheri Cranfill offered that those figures should be available by the next SW Committee meeting. Manager Williams added that there is likely to be significant capital requests for the Solid Waste Department for the next budget year. Manager Williams and staff have begun to collect materials regarding possible privatization of the Solid Waste operations. Additional information will be provided as it becomes available.

*Jail Committee:*

Chair Phillips reported on behalf of the Jail Committee. Site assessments are still in process for the downtown area as a potential jail site. The next Jail Committee meeting is scheduled for January 28, 2008 at 3:30 at the Planning and Permits Building. The Yadkinville Town Board has adopted a Resolution requesting that the County keep the jail in the downtown area. The Resolution offers assistance from the town but no dollar amount is specified.

*Utilities Committee:*

The consensus of the committee was to waive the county portion of the connecting fees on the Jonesville waterline and to offer this discount for 90 days after notification. County Manager Williams estimated that he could have a letter ready to go to all households along this line by February 15. Randy Darden noted that the wording should reflect that the connection fee must be paid within 90 days of the date of the letter in order to qualify for the discount.

**Commissioner Wooten, representing the Utilities Committee, made a motion to waive the county portion of the connection fee on the Jonesville Waterline for households that pay the connection fee within 90 days of the date of the notification letter. A second was not required as the motion was offered by the Utilities Committee.**

**Vote: 5/0**

Chair Phillips introduced a letter from the Yadkin Valley Sewer Authority requesting financial assistance for sewer improvements in the Jonesville/Elkin/Ronda area. Commissioner Garner stated that he was against providing assistance on this matter. Commissioner Wooten stated that he had no comment. Chair Phillips stated that there was no motion on this matter from the Utilities Committee. No further discussion held.

Chair Phillips added that the County should continue to pay close attention to the water situation in Jonesville and continue to monitor the situation with Yadkin River water rights.

Randy Darden, Arcadis Engineer, offered the following updates on water and sewer projects:

- (1) The Courtney-Huntsville Waterline Extension Notice to Proceed will hopefully be issued the first week of February. There remains one outstanding easement that Attorney Graham is working to resolve.
- (2) Testing is underway on the Rock House Mountain Road portion of the Jonesville waterline. The Longtown Road extension is underground with testing to begin shortly.
- (3) The Jonesville Pump Station has been ordered by Jimmy R. Lynch. Mr. Darden has spoken with the manufacturer to have this equipment completed as quickly as possible.
- (4) Bacterial testing on the I-77/Hwy 21 waterline is complete. The project is entering the completion stage and the line should be available in approximately one month.

(5) Mr. Darden had recently met with DOT regarding bridge crossing with sewer lines on Hoots Road. Mr. Darden felt that there is a good chance that this situation will be resolved and NCDOT will give their approval of the plan. Additional designs to install the line along the bridge supports will be sent to NCDOT. The County should expect this process to take around 3 to 4 months. There are still funds available in the Hoots Road budget that will be used to finance these additional permitting requirements.

County Manager Williams discussed a letter he received from the Town of Jonesville outlining shared costs on improvements relating to the booster pump station that would affect mutual projects. The letter lists \$6,300 for chemicals; \$23,000 for a variable speed drive; and \$77,000 for a SCADA system. County Manager Williams pointed out that the Board unanimously approved, at a July 2007 meeting, to pay ½ of the system improvement costs up to and not exceeding \$25,000. Chair Phillips reiterated the Board's position on this matter. No further action taken.

*Chair Phillips called for a recess at 9:47pm. Meeting resumed at 9:55pm.*

### **BOARD ACTION**

Chair Phillips acknowledged the **RESOLUTION OF APPRECIATION TO CONGRESSWOMAN VIRGINIA FOXX FOR ACQUISITION OF FUNDING FOR THE DEEP CREEK RESERVOIR (5D) PROJECT** and expressed the Board's gratitude for Congresswoman Foxx's assistance in this matter.

**Vice Chair Cornelius made a motion to approve the RESOLUTION OF APPRECIATION TO CONGRESSWOMAN VIRGINIA FOXX FOR ACQUISITION OF FUNDING FOR THE DEEP CREEK RESERVOIR (5D) PROJECT. Commissioner Garner second.**

**Vote: 5/0**

[The RESOLUTION OF APPRECIATION TO CONGRESSWOMAN VIRGINIA FOXX FOR ACQUISITION OF FUNDING FOR THE DEEP CREEK RESERVOIR (5D) PROJECT is attached as Addendum A]

### **MANAGER REPORTS/COMMENTS**

**County Manager, Eric Williams**, presented the following to the Board:

(1) Manager Williams provided information regarding the establishment of a senior citizen discount for animal adoptions.

**Commissioner Garner made a motion to accept the proposal for a senior citizen discount for animal adoptions.** Attorney Graham advised that the County did not have the authority to adopt a policy of this kind and that this policy could be interpreted as discrimination. The Board asked Manager Williams to further research this issue and perhaps bring back before the Board when there is a better understanding of the County's authority.

**Commissioner Garner rescinded the motion.**



(2) Manager Williams reported that he is beginning work on the upcoming budget including the development of a budget calendar. Manager Williams would like to arrange a pre-budget workshop with the Board to discuss ideas and goals for the 2008/2009 fiscal year. This may be discussed at the next meeting.

(3) Manager Williams had been approached by Mrs. Lenna Hobson of Rag Apple Lassie regarding dangerous traffic patterns near her establishment at Highway 67 and Rockford Road. Manager Williams continues to address the situation and there may be a forthcoming resolution requesting the addition of 'rumple strips' to the intersection. Commissioner Garner asked to be kept up to date on this information as there is a similar situation in his community.

### **CALENDAR NOTES**

Calendar items were reviewed. No additional comments.

### **COMMISSIONER COMMENTS**

Commissioner Wagoner had no additional comments for this portion of the agenda.

Commissioner Wooten had the following items for discussion and review:

(1) Commissioner Wooten had questions regarding the presentation and storage of Closed Session Minutes. It was explained that Closed Session Minutes included in the agenda packet is made available only to Board members, the County Attorney, the Manager, and the Clerk.

(2) Commissioner Wooten asked what the issue was for the 1 outstanding easement on the Courtney-Huntsville Extension. Attorney Graham explained that the last easement involves a mother and her children with one of those children currently serving in Iraq. Attorney Graham continues to work on securing this easement.

(3) Commissioner Wooten expressed concerns for the amount of debt being accrued by the current Board.

Commissioner Wooten estimated the proposed debt:

- \$3 million for waterlines

- \$27.3 million for schools

- \$8.2 million for a jail

- \$6.5 million for 5D

- \$3 million for future Jonesville water plant

Commissioner Wooten estimated the current debt:

- \$11 million in old loans

Total Current and Future Debt:

- \$59 million with an additional \$4.8 million per year in interest over a 20-year term

Total Debt Load:

- \$96 million

Commissioner Wooten discussed ways to save money on jail construction by reducing the inmate capacity to 82 beds with a 70 square foot per inmate capacity at Moseley's cost estimate of \$225.00 per square foot. Commissioner Wooten suggested the Board consider repair of the existing jail or reviewing alternate construction methods. Commissioner Wooten added that cost savings cannot be achieved without an adequate cost study.

Commissioner Wooten read a prepared statement. Following are those points of discussion:

- The County must not lose their rights to the Yadkin River
- The County must match the federal 5D funds
- The County did not allow the citizens to vote on new middle schools and has exceeded the middle school construction budget by over \$3 million
- Jail construction costs have risen from the projected \$3-4 million to over \$8 million

Commissioner Wooten added that the Board must take action to do what is absolutely necessary and not attempt to do everything at once for fear of bankrupting the county.

Commissioner Wooten provided a handout to the Board displaying a Virtual Shell Building and outlining the specifications.

**Commissioner Wooten made a motion to have County Manager Williams and Economic Development Director, Bobby Todd pursue a developer or contractor that would establish a virtual shell building for commercial use on Hoots Road property. Vice Chair Cornelius second for discussion.**

Vice Chair Cornelius pointed out that one of the allegations of the current lawsuit is that the Hoots Road property was bought specifically for an EMS station. Pursuing a commercial developer for that land at this time would constitute further misuse of the property according to the lawsuit. In addition, Vice Chair Cornelius remarked that the Board had already approved for the EDC to offer tax incentives for commercial developers and contractors on spec. buildings until the building becomes occupied. Commissioner Wooten replied that a spec. building may not be appropriate for the Hoots Road property but in order to stir economic development; this action could be pursued in other locations. Chair Phillips remarked that the projects referred to by Commissioner Wooten in his comments were all part of the economic development package. The current Board is 'playing catch-up' for failure to do what should have been done. Chair Phillips cannot reason spending the dollars on a virtual shell building on a piece of property that is zoned for a jail and ignore other economic development projects such as a jail, middle schools, and waterlines. Vice Chair Cornelius further remarked that the EDC is currently pursuing commercial developers. **Motion failed on a 1/4 vote with Cornelius, Garner, Phillips, and Wagoner voting against.**

Commissioner Garner asked for clarifications on the County's debt. Commissioner Garner asked Attorney Graham if the County had the potential to go bankrupt. Attorney Graham replied that the Local Government Commission (LGC) would not allow the County to bankrupt itself. All loans must be approved by the LGC. Commissioner Wooten commented that the amount of debt would effect the county's borrowing capability.

Vice Chair Cornelius commented that the Town of Jonesville is the sole proprietor of the Jonesville Water plant and Yadkin County has no control over the decisions of the Town Board regarding water rights or any other water issues related to that water plant.

Vice Chair Cornelius asked Commissioner Wooten if the Town of Yadkinville would accept a modular building for the jail in the downtown area. Commissioner Wooten was unable to answer that on behalf of the Town but remarked that his earlier comments regarding alternate jail designs were based on information received from Moseley Architects.

Chair Phillips had no additional comments for this portion of the agenda.

**Vice Chair Cornelius made a motion to adjourn. Commissioner Wagoner second.  
Vote: 5-0**

Meeting adjourned at 9:47pm.

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Prepared and Approved by Clerk to the Board